

REMARKS

This is in response to the Office Action dated September 21, 2006. In the Office Action, all pending claims 1-15 were rejected. With this Amendment, claims 1 and 9 have been amended and the remaining claims are unchanged in the application. Applicant respectfully requests reconsideration and allowance of all pending claims.

On page 2 of the Office Action, claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bertness, U.S. Patent No. 6,331,762, in view of Sakai et al., U.S. Patent No. 5,905,915. This rejection was addressed in a previous Amendment filed on April 18, 2006.

In the Response to Arguments section on page 5 of the Office Action, the Examiner states that while it is true that the references do not touch on the minimum terminal voltage value of the battery, the references used in the rejection are still applicable to the claims when the minimum value is zero. On November 7, 2006, during a teleconference with the Examiner, the undersigned suggested that the term "non-zero" be added to independent claims 1 and 9 to clarify that the minimum terminal voltage value used is a non-zero minimum terminal voltage value. The Examiner indicated that this Amendment would be sufficient to overcome the cited prior art. Accordingly, Applicant has amended claims 1 and 9 to include the term "non-zero." Therefore, Applicant believes that all pending claims are allowable.

In view of the foregoing, and for reasons included in the previous Amendment filed on April 18, 2006, Applicant respectfully requests reconsideration and allowance of claims 1-15. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
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